IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: ANTONIO JOSE DE ARAUJO PORTO

SERIAL NO.: 09/837,951

FILING DATE: April 19, 2001

TITLE: METHOD OF MANUFACTURING PISTONS AND
COMPONENTS THEREOF, AND FORGING TOOLS

> ATTN: RANDOLPH REESE
>
> Special Program
> Examiner, Patent
> Technology Center
> 3600

**RENEWED PETITION UNDER 37 CFR 1.181 to withdraw holding of
abandonment based on failure to receive Office action**

Commisioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450   BY FAX AND MAIL

SIR:

After receiving the decision dated October 31, 2005 in
which applicant's petition filed February 7, 2005 is dismissed,
the undersigned contacted Brian Green who prepared the
decision for the office of Randolph Reese, to obtain clari-
fication of the grounds for dismissal.

The grounds for dismissal in the aforementioned decision
of October 31, 2005, is listed as a requirement for "A copy
of the docket record where the non-received Office communication
would have been entered and docketed must be attached and
referenced in practitioner's statement."

In discussing the matter with Mr. Brian Green, I (the
undersigned) told him that the docket record was enclosed with
the fax of February 7, 2005. Mr. Green acknowledged receiving
this docket record but went on to say that he was looking for
a docket record that would list all correspondence for all

cases received every day. I informed Mr. Green that we did not keep a docket record of that type. We maintain docket records for each case, and this has been effective for the last 30 years that I have been in practice. During all that time I can't recall that a docket record of all correspondence with PTO for each day and for all cases was needed. I don't recall a single incident in which an Office action was not received by us from PTO. I have also no reason to claim that I have not received an Office action. An updated copy of our docket record for the present application is enclosed.

I have also asked Mr. Green to allow me to glance at the Office actions to see if there is some indication as to why they were not received or perhaps not even mailed. To this date, I have not had this opportunity.

I suspect that because this incident was repeated twice, the Office actions were either incorrectly addressed, or they were not mailed for some reason.

I searched through our file, but I could not find either of the Office actions that were allegedly mailed.

I asked Mr. Green if I should have my present statement notarized, but he replied that this was not necessary, and that my signature to the statement was adequate. However, I am submitting this statement as a verified declaration:

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and

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further that these statements were made with the knowledge
that willful false staements and the like so made are
punishable by fine or imprisonment or both under Section
1001 of Title 18 of the United States' Code and that such
willful false statements may jeopardize the validity of the
application or any patent issuing therefrom.

Max Fogiel
Max Fogiel

November 8, 2005

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CLIENT		INVENTOR· ᴍᴀᴀᴜᴊᴜ ᴘᴏᴋᴛᴏ			837,951 SERIAL NO.	

FROM PATENT OFFICE

TO PATENT OFFICE

Action Received	Date Action is Due from PTO	Type of Response	Date Mailed	Date Filed (from card)	DATE DUE
		Filed New Patent Application		4/19/01	
Restriction		Election			1-31-02
Reg.		Amend			9-5-02
FR		Amend . Call Examiner			2-14-03
		Filed CPA 2-3-03			
Abandonment Notice dated 11-18-03					
		Petition to Withdraw Abandonment 12-10-03			
PTO Letter granting	Petition dated 6-1-04				
abandonment Notice	dated 1-11-05				
		Petition to Withdraw 2nd abandonment 1-31-05			

THYSSEN

CLIENT		INVENTOR ARANJO PORTO			837,951 SERIAL NO.	

OM PATENT OFFICE

TO PATENT OFFICE

Ion Received	Date Action is Due from PTO	Type of Response	Date Mailed	Date Filed (from card)	DATE DUE
await	decision on petition filed 2/7/05 by Fax				1-31-06
decision	dismissing the petition	10-31-05			